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SOUTHERN DISTRICT OF CALIFORNIA

BY:

PDR

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

July 2007 Grand Jury

08 CR 0511**BEN**

11	UNITED STATES OF AMERICA,	)	Criminal Case No.	_____
12	Plaintiff,	)	<u>I N D I C T M E N T</u>	
13	v.	)	Title 21, U.S.C., Secs. 846 and	
14	JOSE JESUS PERUCH SAENZ (1),	)	841(a)(1) - Conspiracy to	
15	aka George,	)	Distribute Oxycodone and	
16	aka G Unit,	)	Hydrocodone Bitartrate; Title 21,	
17	KARL DELEON MURRAH (2),	)	U.S.C., Sec. 841(a)(1) -	
18	RAMOND ANDREW DIZON (3),	)	Distribution of Oxycodone and	
19	aka Andy,	)	Hydrocodone Bitartrate; Title 18,	
20	MAGGIE MARIA SIEBEN (4),	)	U.S.C., Sec. 2 - Aiding and	
	MARK ALAN KOUNTZ (5),	)	Abetting; Title 21, U.S.C.,	
	MICHAEL SHAUN TRACY (6),	)	Secs. 853(a), and 853(p) -	
	JOEL JOSHUA BANNING (7),	)	Criminal Forfeiture	
	Defendants.)		

The grand jury charges:

INTRODUCTORY ALLEGATIONS

At all times pertinent to this Indictment:

- 24 1. Oxycodone was a Schedule II Controlled Substance that cannot
- 25 be legally distributed without a proper medical prescription.
- 26 2. Hydrocodone bitartrate was a Schedule III Controlled
- 27 Substance that cannot be legally distributed without a proper medical
- 28 prescription.

TFS:em(xxx):San Diego
2/22/08*lvet*

1 3. Defendant JOSE JESUS PERUCH SAENZ, was a pharmacy technician
2 at Galloway Pharmacy in San Diego who is in charge of ordering
3 pharmaceuticals, including oxycodone and hydrocodone bitartrate.
4 Defendant JOSE JESUS PERUCH SAENZ, is not a licensed pharmacist and
5 cannot legally distribute pharmaceuticals.

6 Count 1

7 CONSPIRACY TO DISTRIBUTE OXYCODONE AND HYDROCODONE BITARTRATE

8 [21 U.S.C. §§ 846 and 841(a)(1) and 18 U.S.C. § 2]

9 4. The Introductory Allegations contained at paragraphs 1
10 through 3 above are hereby re-alleged and restated.

11 THE MANNER AND MEANS OF THE CONSPIRACY

12 In furtherance of this conspiracy and to effect the objects
13 thereof, defendants JOSE JESUS PERUCH SAENZ, aka George, aka G Unit,
14 KARL DELEON MURRAH, RAMOND ANDREW DIZON, aka Andy, MAGGIE MARIA
15 SIEBEN, MARK ALAN KOUNTZ, MICHAEL SHAUN TRACY, JOEL JOSHUA BANNING,
16 and others known and unknown to the grand jury, utilized the following
17 manner and means among others:

18 5. Defendant JOSE JESUS PERUCH SAENZ, used his position as a
19 pharmacy technician to order, obtain, and sell distributable
20 quantities of oxycodone and hydrocodone bitartrate. Defendant JOSE
21 JESUS PERUCH SAENZ sold distributable quantities of oxycodone and
22 hydrocodone bitartrate to defendant KARL DELEON MURRAH and others for
23 further distribution.

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1 6. Defendant KARL DELEON MURRAH purchased distributable
2 quantities oxycodone and hydrocodone bitartrate from defendant JOSE
3 JESUS PERUCH SAENZ and sold those oxycodone tablets and hydrocodone
4 bitartrate tablets to RAMOND ANDREW DIZON, MARK ALAN KOUNTZ, MICHAEL
5 SHAUN TRACY, JOEL JOSHUA BANNING, and others, for further
6 distribution.

7 7. Defendant RAMOND ANDREW DIZON purchased large distributable
8 quantities of oxycodone and hydrocodone bitartrate from KARL DELEON
9 MURRAH and distributed oxycodone and hydrocodone bitartrate to others
10 within the Southern District of California and elsewhere for further
11 distribution.

12 8. Defendant MAGGIE MARIA SIEBEN received large distributable
13 quantities of oxycodone and hydrocodone bitartrate from defendant JOSE
14 JESUS PERUCH SAENZ and distributed oxycodone and hydrocodone
15 bitartrate to defendant JOEL JOSHUA BANNING and others for further
16 distribution.

17 9. Defendant MARK ALAN KOUNTZ purchased large distributable
18 quantities of oxycodone and hydrocodone bitartrate from KARL DELEON
19 MURRAH and distributed oxycodone and hydrocodone bitartrate to others.

20 10. Defendant MICHAEL SHAUN TRACY purchased large distributable
21 quantities of oxycodone and hydrocodone bitartrate from KARL DELEON
22 MURRAH and distributed oxycodone and hydrocodone bitartrate to others.

23 11. Defendant JOEL JOSHUA BANNING purchased large distributable
24 quantities of oxycodone and hydrocodone bitartrate from KARL DELEON
25 MURRAH and distributed oxycodone and hydrocodone bitartrate to others.

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1 CONSPIRACY TO DISTRIBUTE OXYCODONE AND HYDROCODONE BITARTRATE

2 12. Beginning on a date unknown to the grand jury and
3 continuing up to the date of this Indictment, within the Southern
4 District of California, and elsewhere, defendants JOSE JESUS PERUCH
5 SAENZ, aka George, aka G Unit, KARL DELEON MURRAH, RAMOND ANDREW
6 DIZON, aka Andy, MAGGIE MARIA SIEBEN, MARK ALAN KOUNTZ, MICHAEL SHAUN
7 TRACY, and JOEL JOSHUA BANNING, did knowingly and intentionally
8 conspire together with each other and with other persons known and
9 unknown to the grand jury to distribute oxycodone tablets, a
10 Schedule II Controlled Substance, and hydrocodone bitartate tablets,
11 a Schedule III Controlled Substance; in violation of Title 21, United
12 States Code, Sections 846 and 841(a)(1), and Title 18, United States
13 Code, Section 2.

14 Count 2

15 DISTRIBUTION OF HYDROCODONE BITARTRATE

16 [21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

17 13. The Introductory Allegations contained at paragraphs 1
18 through 3, and the Manner and Means at paragraphs 4 to 11 are hereby
19 re-alleged and restated.

20 14. On or about May 4, 2006, within the Southern District of
21 California and elsewhere, defendants JOSE JESUS PERUCH SAENZ,
22 aka George, aka G Unit, KARL DELEON MURRAH, RAMOND ANDREW DIZON,
23 aka Andy, and others known and unknown to the grand jury did knowingly
24 and intentionally distribute approximately 7,071 hydrocodone
25 bitartrate tablets, a Schedule III Controlled Substance; in violation
26 of Title 21, United States Code, Section 841(a)(1), and Title 18,
27 United States Code, Section 2.

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Count 3

DISTRIBUTION OF HYDROCODONE BITARTRATE

[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

4 15. The Introductory Allegations contained at paragraphs 1
5 through 3, and the Manner and Means at paragraphs 4 to 11 are hereby
6 re-alleged and restated.

7 16. On or about February 3, 2007, within the Southern District
8 of California, defendants JOSE JESUS PERUCH SAENZ, aka George,
9 aka G Unit, KARL DELEON MURRAH, and others known and unknown to the
10 grand jury did knowingly and intentionally distribute approximately
11 30 hydrocodone bitartrate tablets, a Schedule III Controlled
12 Substance; in violation of Title 21, United States Code,
13 Section 841(a)(1), and Title 18, United States Code, Section 2.

Count 4

DISTRIBUTION OF HYDROCODONE BITARTRATE

[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

17 17. The Introductory Allegations contained at paragraphs 1
18 through 3, and the Manner and Means at paragraphs 4 to 11 are hereby
19 re-alleged and restated.

18. On or about February 20, 2007, within the Southern District
of California, defendants JOSE JESUS PERUCH SAENZ, aka George,
aka G Unit, KARL DELEON MURRAH, and others known and unknown to the
grand jury did knowingly and intentionally distribute approximately
2,021 hydrocodone bitartrate tablets, a Schedule III Controlled
Substance; in violation of Title 21, United States Code,
Section 841(a)(1), and Title 18, United States Code, Section 2.

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1 Count 5

2 DISTRIBUTION OF HYDROCODONE BITARTRATE

3 [21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

4 19. The Introductory Allegations contained at paragraphs 1
5 through 3, and the Manner and Means at paragraphs 4 to 11 are hereby
6 re-alleged and restated.

7 20. On or about March 8, 2007, within the Southern District of
8 California, defendants JOSE JESUS PERUCH SAENZ, aka George,
9 aka G Unit, KARL DELEON MURRAH, and others known and unknown to the
10 grand jury did knowingly and intentionally distribute approximately
11 2,000 hydrocodone bitartrate tablets, a Schedule III Controlled
12 Substance; in violation of Title 21, United States Code,
13 Section 841(a)(1), and Title 18, United States Code, Section 2.

14 Count 6

15 DISTRIBUTION OF HYDROCODONE BITARTRATE

16 [21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

17 21. The Introductory Allegations contained at paragraphs 1
18 through 3, and the Manner and Means at paragraphs 4 to 11 are hereby
19 re-alleged and restated.

20 22. On or about July 16, 2007, within the Southern District of
21 California, defendants JOSE JESUS PERUCH SAENZ, aka George,
22 aka G Unit, KARL DELEON MURRAH, and others known and unknown to the
23 grand jury did knowingly and intentionally distribute approximately
24 6,000 hydrocodone bitartrate tablets, a Schedule III Controlled
25 Substance; in violation of Title 21, United States Code,
26 Section 841(a)(1), and Title 18, United States Code, Section 2.

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1 FORFEITURE ALLEGATIONS

2 1. The allegations contained in Counts 1 through 6 are
3 realleged and by reference fully incorporated herein for the purpose
4 of alleging forfeiture to the United States of America.

5 2. As a result of the commission of the felony offenses alleged
6 in Counts 1 through 6 said violations being punishable by imprisonment
7 for more than one year, and pursuant to Title 21, United States Code,
8 Section 853(a)(1), defendants JOSE JESUS PERUCH SAENZ, KARL DELEON
9 MURRAH, and RAMOND ANDREW DIZON shall, upon conviction forfeit to the
10 United States, all rights, title, and interest in any and all property
11 obtained directly or indirectly as a result of said violations. All
12 in violation of Title 21, United States Code, Section 853.

13 3. As a result of the commission of the felony offenses alleged
14 in Counts 1 through 6, said violation being punishable by imprisonment
15 for more than one year, and pursuant to Title 21, United States Code,
16 Section 853(a)(2), defendants JOSE JESUS PERUCH SAENZ, KARL DELEON
17 MURRAH, and RAMOND ANDREW DIZON shall, upon conviction forfeit to the
18 United States, all rights, title, and interest in any and all property
19 used, or intended to be used, in any manner or part, to commit, or to
20 facilitate the commission of the violations alleged in Counts 1
21 through 6 of this Indictment. All in violation of Title 21, United
22 States Code, Section 853.

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1 4. If any of the above-described forfeitable property, as a
2 result of any act or omission of the defendants -

3 (1) cannot be located upon the exercise of due diligence;
4 (2) has been transferred or sold to, or deposited with, a
5 third person;
6 (3) has been placed beyond the jurisdiction of the Court;
7 (4) has been substantially diminished in value; or
8 (5) has been commingled with other property which cannot
9 be subdivided without difficulty;

10 it is the intent of the United States, pursuant to Title 21, United
11 States Code, Section 853(p), and Title 18, United States Code,
12 Section 982(b), to seek forfeiture of any other property of the
13 defendants up to the value of said property listed above as being
14 subject to forfeiture.

15 DATED: February 22, 2008.

16 A TRUE BILL:

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18 _____
19 Foreperson

20 KAREN P. HEWITT
United States Attorney

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22 By: _____
23 TIMOTHY F. SALEL
Assistant U.S. Attorney

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